

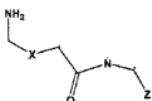
REMARKS

In the Final Office Action mailed December 9, 2010, the Examiner rejected 1-3, 5-8, 10, 36-40, 42 and 44 under 35 U.S.C. §112(1) for lacking enablement. Each rejection is addressed below.

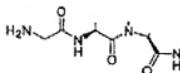
I. Rejection of Claims 1-3, 5-8, 10, 36-40, 42 and 44 under 35 U.S.C. §112(1) – Enablement

The Examiner stated:

Previously presented rejection of claims 1-3, 5-8, 10, 36-40 (and new claims 42, 44) under 35 U.S.C. 112, first paragraph, (because the specification, while being enabling for few compounds of the elected group wherein X and Z are CONH such that the partial structure of the elected formula I



corresponds to

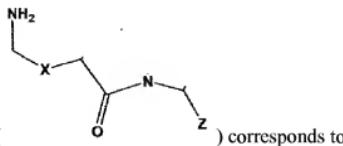


(peptidic backbone) does not reasonably provide

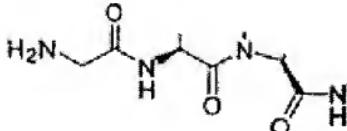
enablement for the large number of structural possibilities claimed for the X and Z variables) is maintained for reasons of record.

Applicant's arguments were fully considered but are not persuasive. As asserted by the applicant (see withdrawn rejection under 112-2), the instant compounds are peptide analogs. The data presented in the specification is consistent and enabling for compounds with the X and Z are amide linkages and the (only) two compounds wherein X and Z are different show (inconsistent and) diminished activity compared to the corresponding compounds wherein X and Z are amide linkages. As such one of skill in the art would be faced with undue trial and error effort to identify possibilities other than CONH for X and Z variables.

So as to expedite prosecution without acquiescing with the Examiner's arguments, the Applicants cancel Claims 1-10, and 36-40, and amend Claims 42 and 44 such that the partial



structure of elected formula 1 () corresponds to



. The Applicants reserve the right to prosecute previously presented Claims 1-10, 36-40, 42 and/or 44 (or similar claims) at a future date. As Claims 41 and 43 were not rejected and as Claims 42 and 44 are now consistent with what the Examiner indicated was enabled subject matter, the Applicants request Claims 41-44 be passed into allowance.

CONCLUSION

All grounds of rejections and objections of the Final Office Action mailed December 9, 2010 having been addressed, reconsideration of the application is respectfully requested. It is respectfully submitted that the invention as claimed fully meets all requirements for patentability and that the claims are worthy of allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (608) 662-1277.

Respectfully submitted,

Date: January 25, 2011

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